

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK
BUFFALO DIVISION

Carlanda D. Meadors, an
individual, et al.,

Plaintiffs,

vs.

**Erie County Board of
Elections**, et al.,

Defendants,

and

India Walton, an individual,

Defendant-Intervenor.

Case No. 1:21—cv-982-JLS

**Plaintiffs' Memorandum of
Law in Support of
their Motion for an
Extension**

The plaintiffs respectfully submit this memorandum of law in support of their motion for an extension of time within which to file a motion for attorneys' fees and expenses.

In the absence of a local rule or court order, Rule 54(d)(2)(B) of the Federal Rules of Civil Procedure governs the timing of a motion for attorney's fees. Under that rule, a fee motion must be filed "no later than 14 days after the entry of judgment." Fed. R. Civ. P. 54(d)(2)(B)(i). Rule 54(a) defines "judgment" as "any order from which an appeal lies." Because this Court's preliminary injunction, entered September 3, is appealable under 28 U.S.C. § 1292, a fee motion is due on September 17.

But fees in this case are a moving target. Litigation is proceeding furiously in the state and federal appellate courts, and fees continue to accrue. As a result, any fee motion filed by this Friday would be obsolete before Saturday.

Under these circumstances, good cause exists to kick the can down the road, and Rule 6(b)(1) authorizes an extension here. The plaintiffs therefore request a 30-day extension, until Monday, October 18, to file their fee motion.

Counsel for the plaintiffs have conferred with counsel for the defendants and has been advised that the defendants consent to this extension. Counsel for the plaintiffs have also conferred with counsel for

the defendant-intervenor who responded by email but has not, as of this filing, indicated whether his client will oppose.

Respectfully submitted this 13th day of September, 2021.

/s/ Bryan L. Sells*

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